

# JUSTICE FOR ALL

## CRIME VICTIMS' RIGHTS NEWSLETTER

**FALL 2002**



*Dear Friends;*

*During my term as President of the National Association of Attorneys General (NAAG), I made national implementation of the AMBER Plan one of my presidential initiatives. The AMBER Plan is a voluntary effort between law enforcement officers and broadcasters to issue an urgent bulletin to the public within the first few minutes of a child abduction. I am very pleased to report that after months of hard work by a very dedicated task force, the state of Kansas now has its own statewide AMBER Plan. More and more communities and states across the country are likewise implementing similar programs, and President Bush has given his support for this type of child protection program.*

*The first few hours of an abduction are the most critical in finding a kidnapped child. The rapid response by law enforcement officers and radio and television broadcasters, along with the eyes and ears of the public, has resulted in saving the lives of dozens of abducted children. In the event of future abductions, there will be countless numbers of law enforcement officers, broadcasters, and citizens working together to bring a swift and safe end to the situation.*

*Information about the AMBER Plan is presented in this newsletter, in addition to some tips for parents to keep their children safe. I want to thank the National Center for Missing & Exploited Children for its efforts to bring national attention to the AMBER Plan, and to the members of my Kansas AMBER Plan Task Force who tirelessly gave of*

*themselves to put together a program which may one day save the life of a Kansas child.*

**ATTORNEY GENERAL CARLA J. STOVALL**



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*Very truly yours,*

A handwritten signature in blue ink that reads "Carla J. Stovall".

*Carla J. Stovall,  
Attorney General*

# ***KANSAS AMBER PLAN***

Attorney General Carla J. Stovall in March formed a task force of Kansas broadcasters, law enforcement officers, and emergency management personnel for the purpose of implementing a statewide AMBER Plan in Kansas. The AMBER Plan, which stands for "Americas Missing: Broadcast Emergency Response," is a voluntary partnership between law enforcement and broadcasters. In the most serious abduction cases, an urgent bulletin is activated by way of the Emergency Alert System (EAS), formerly the Emergency Broadcast System, to interrupt programming with the alert. Radio stations announce the abduction with a description of the child and suspect, and television stations show the child's photograph and provide other important information on the television screen.

The AMBER Plan was created in 1996 in honor of 9-year-old Amber Hagerman who was abducted and murdered in Arlington, Texas. Since then, dozens of communities and states have implemented similar plans, and the Alert has been credited with saving the lives of many children. In early September 2002, two U.S. Senators introduced legislation calling for the Department of Justice to coordinate AMBER Alerts across the country. The bill, S. 2896, would also provide matching funds for states and localities to conduct training and install electronic road signs for the AMBER Alert system.

Attorney General Stovall's AMBER Plan Task Force has developed training materials for law enforcement officials and broadcasters so they know how an AMBER Alert works and what to do if one is issued. Training sessions took place in September 2002, and the statewide AMBER Plan was activated on October 1, 2002. Public presentations to civic groups and other community organizations are also being held across the state.

Information about the Kansas AMBER Plan can be found on the internet at [www.ksamber.org](http://www.ksamber.org).

For information about other AMBER Plans, contact the National Center for Missing & Exploited Children at (703) 274-3900, or [www.missingkids.com](http://www.missingkids.com).

# ***HOW AN AMBER ALERT WORKS***

The AMBER Plan is limited to cases that could be life threatening for the child. It is not intended for runaways or child custody cases. AMBER Alerts may be issued if the following criteria are met:

- The child is 17 years old or younger, or he/she has a physical or mental disability; and
- There is evidence that the child is in danger of serious bodily harm or death; and
- Enough information is available to disseminate to the public and to assist in the safe recovery of the child and/or apprehension of a suspect.

If the local law enforcement agency is satisfied that the abduction meets the required criteria, relevant information is then sent to the headquarters of the Kansas Bureau of Investigation (KBI). The KBI then activates the Emergency Alert System (EAS), which is traditionally used in the event of severe weather or civil emergencies, to alert broadcast media outlets about the abduction. The following information, when possible, is included in the AMBER Alert:

- Description of the victim including physical and clothing information.
- Description of the suspect and/or suspect vehicle.
- Location of the abduction.
- Any other information which would be helpful in locating the victim.

Radio and television stations then report the alert immediately, repeating the information on a frequent basis. Updated information on the abduction is posted continuously on the Kansas AMBER Plan website ([www.ksamber.org](http://www.ksamber.org)) to aid broadcasters and the public in getting the most recent information.

Members of the public who hear the AMBER Alert should listen closely to each report - particularly descriptions of the child, suspect, and vehicle - and contact their local law enforcement agencies, or the KBI at 1-800-KS-CRIME, if they have any information to pass along.

# ***KNOW THE RULES...***

## **GENERAL PARENTING TIPS TO HELP KEEP YOUR CHILDREN SAFE**

While many parents feel that they are faced with new and unprecedented challenges when trying to keep their children safe in today's fast-paced and increasingly global society, the National Center for Missing & Exploited Children offers these common-sense, general safety tips to help parents put these challenges into perspective.

1. **Make sure you know where each of your children are at all times.** Know your children's friends and be clear with your children about the places and homes they may visit. Make it a rule that your children check in with you when they arrive at or depart from a particular location and when there is a change in plans. You should also let them know when you're running late or if your plans have changed so that they can see the rule is for safety purposes and not being used to "check up" on them.
2. **Never leave children unattended in an automobile, whether it is running or not.** Children should never be left unsupervised or allowed to spend time alone or with others in automobiles, as the potential dangers to their safety outweigh any perceived convenience or "fun." Remind children to never hitchhike, approach a car or engage in a conversation with anyone within a car that they do not know and trust, or go anywhere with anyone without getting your permission first.
3. **Be involved in your children's activities.** As an active participant, you'll have a better opportunity to observe how the adults in charge interact with your children. If you are concerned about anyone's behavior, take it up with the sponsoring organization.
4. **Listen to your children.** Pay attention if they tell you that they don't want to be with someone or go somewhere. This may be an indication of more than a personality conflict or lack of interest in the activity or event.
5. **Notice when someone shows one or all of your children a great deal of attention or begins giving them gifts.** Take the time to talk to your children about the person and find out why the person is acting in this way.

6. **Teach your children that they have the right to say NO to any unwelcome, uncomfortable, or confusing touch or actions by others.** Teach them to tell you immediately if this happens. Reassure them that you're there to help and it is okay to tell you anything.

7. **Be sensitive to any changes in your children's behavior or attitude.** Encourage open communication and learn how to be an active listener. Look and listen to small cues and clues that something may be troubling your children, because children are not always comfortable disclosing disturbing events or feelings. This may be because they are concerned about your reaction to their problems. If your children do confide problems to you, strive to remain calm, noncritical, and nonjudgmental. Listen compassionately to their concern, and work with them to get the help they need to resolve the problem.

8. **Be sure to screen babysitters and caregivers.** Many states now have a public registry that allows parents to check out individuals for prior criminal records and sex offenses. Check out references with other families who have used the caregiver or babysitter. Once you have chosen the caregiver, drop in unexpectedly to see how your children are doing. Ask your children how the experience with the caregiver was, and listen carefully to the responses.

9. **Practice basic safety skills with your children.** Make an outing to a mall or park a "teachable" experience in which your children can practice checking with you, using pay telephones, going to the restroom with a friend, and locating the adults who can help if they need assistance. Remember that allowing your children to wear clothing or carry items in public on which their name is displayed can bring about unwelcome attention from inappropriate people who may be looking for a way to start a conversation with your children.

10. **Remember that there is no substitute for your attention and supervision.** Being available and taking time to really know and listen to your children helps build feelings of safety and security.

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# ***Q & A ON CHILD SAFETY***

The National Center for Missing & Exploited Children (NCMEC) offers these questions and answers on how parents can talk to their children about safety. For more information contact NCMEC at 1-800-THE-LOST or on the internet at [www.missingkids.com](http://www.missingkids.com).

## ***What are the most important things a parent should know when talking to a child about this issue?***

- Don't forget your older children. Children 11-17 are equally at risk to victimization. At the same time you are giving your older children more freedom, make sure they understand the important safety rules as well.
- When you speak to your children, do so in a calm, nonthreatening manner. Children do not need to be frightened to get the point across. Fear can actually work at cross-purposes to the safety message, because fear can be paralyzing to a child.
- Speak openly about safety issues. Children will be less likely to come to you if the issue is enshrouded in secrecy. If they feel that you are comfortable discussing the subject matter, they may be more forthcoming to you.
- Do not confuse children with the concept of "strangers." Children do not have the same understanding of who a stranger is as an adult might. The "stranger-danger" message is not effective, as danger to children is much greater from someone you or they know than from a "stranger."
- Practice what you talk about. You may think your children understand your message, but until they can incorporate it into their daily lives, it may not be clearly understood. Find opportunities to practice "what if" scenarios.
- Teach your children that it is more important to get out of a threatening situation than it is to be polite. They also need to know that it is okay to tell you what happened, and they won't be a tattletale.

## ***What are the most important things a parent should tell a child about this issue?***

- Children should always check first with you or a trusted adult before they go anywhere, accept anything, or get into a car with anyone. This applies to older children as well.
- Children should not go out alone and should always take a friend with them when they go places or play outside.
- It's okay to say no if someone tries to touch them or treats them in a way that makes them feel scared, uncomfortable, or confused and to get out of the situation as quickly as possible.
- Children need to know that they can tell you or a trusted adult if they feel scared, uncomfortable, or confused.
- Children need to know that there will always be someone to help them, and they have the right to be safe.

## ***What is the biggest myth surrounding this issue?***

The biggest myth is that the dangers to children come from strangers. In the majority of cases, the perpetrator is someone the parents or children know, and that person may be in a position of trust or responsibility to the child and family.

## ***What advice would you offer a parent who wanted to talk to their child about this issue?***

Parents should choose opportunities or “teachable” moments to reinforce safety skills. If an incident occurs in your community, and your child asks you about it, speak frankly but with reassurance. Explain to your children that you want to discuss the safety rules with them, so that they will know what to do if they are ever confronted with a difficult situation. Make sure you have “safety nets” in place, so that your children know there is always someone who can help them.

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# ***CRIME VICTIMS' RIGHTS AMENDMENT REVISED***

A revised U.S. Constitutional Amendment guaranteeing certain rights to crime victims has been introduced in Congress and has already been endorsed by President George W. Bush and Attorney General John Ashcroft. The amendment, S.J. Res. 35, was authored by Senators Jon Kyl of Arizona and Dianne Feinstein of California, who introduced it in the Senate in April 2002, and President Bush endorsed the resolution at a speech in the Great Hall of the Justice Department on the following day. In May, Representative Steve Chabot of Ohio introduced a companion resolution, H.J. Res. 91, on the House side. The legislation is currently being heard in committee.

## **S.J. Res. 35**

Section 1. The rights of victims of violent crime, being capable of protection without denying the constitutional rights of those accused of victimizing them, are hereby established and shall not be denied by any State or the United States and may be restricted only as provided in this article.

Section 2. A victim of violent crime shall have the right to reasonable and timely notice of any public proceeding involving the crime and of any release or escape of the accused; the rights not to be excluded from such public proceeding and reasonably to be heard at public release, plea, sentencing, reprieve, and pardon proceedings; and the right to adjudicative decisions that duly consider the victim's safety, interest in avoiding unreasonable delay, and just and timely claims to restitution from the offender. These rights shall not be restricted except when and to the degree dictated by a substantial interest in public safety or the administra-

tion of criminal justice, or by compelling necessity.

Section 3. Nothing in this article shall be construed to provide grounds for a new trial or to authorize any claim for damages. Only the victim or the victim's lawful representative may assert the rights established by this article, and no person accused of the crime may obtain any form of relief hereunder.

Section 4. Congress shall have the power to enforce by appropriate legislation the provisions of this article. Nothing in this article shall affect the President's authority to grant reprieves or pardons.

Section 5. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by Congress.

# ***DOMESTIC VIOLENCE AWARENESS MONTH***

Domestic Violence Awareness Month began with the first Day of Unity which was observed by the National Coalition Against Domestic Violence (NCADV) in October 1981. The event, which grew to incorporate a range of activities throughout the week, brought together battered women's advocates to discuss ways to end violence against women and their children. According to the NCADV, the activities were diverse but had common themes: mourning those who died because of domestic violence, celebrating those who survived, and connecting those who work to end violence.

The first actual Domestic Violence Awareness Month was observed in October 1987, and the first national toll-free hotline for domestic violence became operational in the same year. The U.S. Congress passed the first Domestic Violence Awareness Month Commemorative Legislation in 1989, and similar legislation has been passed every year since.

In 1994, the NCADV, in conjunction with Ms. Magazine, created the "Remember My Name" project, a national registry of information on women who have been killed by an intimate partner. Each October, a poster is produced which lists the names of those women who died in the previous year as a way to increase public awareness of domestic violence.

The Day of Unity is celebrated on the first Monday in October, and is followed by a month of activities and events in various communities across the country to bring further public awareness to domestic violence. More information on Domestic Violence Awareness Month, including guidelines, activities, and ideas, can be found on the National Coalition Against Domestic Violence website, [www.ncadv.org](http://www.ncadv.org).

## **KANSAS CRISIS HOTLINE**

The Kansas Crisis Hotline was initiated in the spring of 1996 to help victims access available services. The Hotline gives Kansans confidential, 24-hour, toll-free crisis intervention and referral services. Last year, 1,218 Kansans called the Hotline. One hundred and twenty child abuse victims, 614 domestic violence victims, and 119 victims of sexual assault received assistance.

Two features of the Hotline are especially important to isolated victims. The routing feature lets victims connect directly to the domestic violence or sexual assault program nearest them. This feature is especially important in areas where local domestic violence and sexual assault programs do not have a toll-free crisis hotline. Last year, 324 victims used the routing service to access local domestic violence and sexual assault programs.

Since the fall of 1998, the Kansas Crisis Hotline has included a "language line" feature, permitting callers to connect almost instantly with translators of more than 140 languages. Domestic violence and sexual assault programs can use the service to help them serve non-English speaking victims. For information about the Hotline or to order free promotional materials, call Hope Goodman at (785) 539-7935.

## **"STAMP OUT DOMESTIC VIOLENCE"**

An amendment to the Treasury and General Government Appropriations Act of 2002 has created a direct avenue for the public to contribute financially to more than 2000 domestic violence shelters in the United States.

U.S. Senator Ben Nighthorse Campbell recently offered the amendment, H.R. 2590, called the "Stamp Out Domestic Violence Act of 2001." It will facilitate a semi-postal stamp to raise awareness about domestic violence. This stamp, similar to the breast cancer stamp, will cost slightly more than the value of the stamp.

Funds raised from the added cost of the stamp will be used to fund services for domestic violence victims through programming managed by the U.S. Department of Health and Human Services. The bill was signed by President Bush on November 12, 2001.

# UPCOMING EVENTS

**October 2002**

**Domestic Violence Awareness Month**

National Coalition Against

Domestic Violence

[www.ncadv.org](http://www.ncadv.org)

**October 16-18, 2002**

**26th Annual Governor's**

**Conference for the Prevention of Child Abuse**

Kansas Expocentre, Topeka

**October 28-29, 2002**

**Kansas Victim Assistance Organization (KVAA)**

**Fall Meeting**

in conjunction with Kansas County and

District Attorneys' Association (KCDA)

Topeka Capitol Plaza

**December 2002**

**"3D Month" - National Drunk and Drugged Driving  
Prevention Month**

National Highway Traffic Safety

Administration (NHTSA)

[www.nhtsa.gov](http://www.nhtsa.gov)

**April 6-12, 2003**

**National Crime Victims' Rights Week**

**April 23-24, 2003**

**Attorney General's Crime  
Victims' Rights Conference**

Wichita